

AN ACT
RELATING TO NONSUBSTANTIVE CODE CORRECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I
MISCELLANEOUS CHANGES

Section 1. Section 1D.1, Code 2015, is amended to read as follows:

1D.1 Standard time and daylight saving time.

The standard time in this state is the solar time of the ninetieth meridian of longitude west of Greenwich, England, commonly known as central standard time, except that from ~~two o'clock~~ 2:00 ante meridiem of the first Sunday of April in every year until ~~two o'clock~~ 2:00 ante meridiem of the last Sunday of October in the same year, standard time shall be advanced one hour. The period of time so advanced shall be known as "*daylight saving time.*" time".

Sec. 2. Section 10.1, subsection 5, Code 2015, is amended to read as follows:

5. "*Cooperative association*" means an entity which is structured and operated on a cooperative basis pursuant to 26 U.S.C. §1381(a) and which meets the definitional requirements of an association as provided in 12 U.S.C. ~~§1141(j)(a)~~ §1141j(a) or 7 U.S.C. §291.

Sec. 3. Section 13B.4B, subsection 2, paragraph c, Code 2015, is amended to read as follows:

c. The state public defender may in the state public defender's sole discretion release claims and supporting documents, including any information that would otherwise be confidential ~~in~~ under sections 232.147 through 232.150, to the auditor of state, the Iowa supreme court attorney disciplinary

board, the grievance commission of the supreme court of Iowa, or to other state or local agencies to the extent necessary to investigate fraud or other criminal activity against the attorney or vendor submitting the claim.

Sec. 4. Section 15.329, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. If the qualifying investment is ten million dollars or more, the community has approved the project by ordinance or resolution ~~the project~~ for the purpose of receiving the benefits of this part.

Sec. 5. Section 29B.26, Code 2015, is amended to read as follows:

29B.26 Who may serve on courts-martial.

1. a. Any commissioned officer of or on duty with the state military forces is eligible to serve on all courts-martial for the trial of any person who may lawfully be brought before the courts for trial.

b. Any warrant officer of or on duty with the state military forces is eligible to serve on general and special courts-martial for the trial of any person, other than a commissioned officer, who may lawfully be brought before the courts for trial.

c. Any enlisted member of the state military forces who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted member who may lawfully be brought before the courts for trial, but the enlisted member shall serve as a member of a court only if, before the end of any pretrial session that is held or if none is held before the convening of the court, the accused personally has requested in writing, that enlisted members serve on it. After such a request, the accused shall not be tried by a general or special court-martial the membership of which does not include enlisted members in a number comprising at least one-third of the total membership of the court, unless eligible members cannot be obtained on account of physical conditions or military exigencies. If such members cannot be obtained, the court may be convened and the trial held without them, but the convening authority shall make a detailed written statement, to be appended to the record, stating why they could not be obtained.

d. In this section, the word "*unit*" means any regularly organized body of the state military forces.

2. When it can be avoided, a person subject to this code

shall not be tried by a court-martial any member of which is junior to the person in rank or grade.

3. When convening a court-martial, the convening authority shall detail as members of the courts-martial persons who in the convening authority's opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. A person is not eligible to serve as a member of a general or special court-martial when the person is the accuser or a witness for the prosecution or has acted as investigating officer, staff judge advocate, or as counsel in the same case. If a military judge is not appointed for a special court-martial and if a commissioned officer who is a member of the bar of the highest court of the state and of appropriate rank and grade is present and not otherwise disqualified and within the command of the convening authority, the convening authority shall appoint the commissioned officer as president of a special court-martial. Failure to meet this requirement does not divest a military court of jurisdiction.

Sec. 6. Section 29C.2, subsection 7, Code 2015, is amended to read as follows:

7. *"Mass notification and emergency messaging system"* means a system which disseminates emergency and public ~~safety-related~~ safety-related information to the public by various means including but not limited to telephone, wireless communications service, dual party relay service or telecommunications device, text messaging, electronic mail, and facsimile, and which integrates with federal emergency messaging systems.

Sec. 7. Section 35B.6, subsection 1, paragraph a, Code 2015, is amended to read as follows:

a. The members of the commission shall qualify by taking the usual oath of office. The commission shall organize by ~~the selection of~~ selecting one of ~~their~~ the commission members as chairperson and one as secretary. The commission, subject to the annual approval of the board of supervisors, shall employ an executive director or administrator who shall have the power to employ other necessary employees to carry out the provisions of this chapter, including administrative or clerical assistants, but no member of the commission shall be so employed. The state department of veterans affairs shall recognize the executive director or administrator as a county veterans service officer of a veterans' service organization recognized pursuant to 38 C.F.R. §14.628(c) for the purposes of assisting veterans and their dependents in obtaining

federal and state benefits. The commission shall recommend the compensation of the executive director or administrator and all employees of the county veteran affairs office to the board of supervisors. The board of supervisors shall consider the recommendation and shall determine and approve the compensation of the executive director or administrator and all employees of the county veteran affairs office. The executive director must possess the same qualifications as provided in section 35B.3 for commission members. However, this qualification requirement shall not apply to a person employed as an executive director prior to July 1, 1989.

Sec. 8. Section 35B.7, Code 2015, is amended to read as follows:

35B.7 Meetings — report — budget.

The commission shall meet monthly and at other times as necessary. At the monthly meeting ~~it~~ the commission shall determine who are entitled to county benefits and the probable amount required to be expended. The commission shall meet annually to prepare an estimated budget for all expenditures to be made in the next fiscal year and certify the budget to the board of supervisors. The board may approve or reduce the budget for valid reasons shown and entered of record and the board's decision is final.

Sec. 9. Section 54.5, Code 2015, is amended to read as follows:

54.5 Presidential nominees.

1. a. The names of the candidates for president and vice president of a political party as defined in the law relating to primary elections, shall, by ~~five o'clock~~ 5:00 p.m. on the eighty-first day before the election, be certified to the state commissioner by the chairperson and secretary of the state central committee of the party.

b. However, if the national nominating convention of a political party adjourns later than eighty-nine days before the general election the certificate showing the names of that party's candidates for president and vice president shall be filed within five days after adjournment.

c. As an alternative to the certificate by the state central committee, the certificate of nomination issued by the political party's national nominating convention may be used to certify the names of the party's candidates for president and vice president. If certificates of nomination are received from both the state central committee and the

national nominating convention of a political party, and there are differences between the two certificates, the certificate filed by the state central committee shall prevail.

2. The state central committee shall also file a list of the names and addresses of the party's presidential electors, one from each congressional district and two from the state at large, not later than ~~five o'clock~~ 5:00 p.m. on the eighty-first day before the general election.

3. If a candidate for the office of president or vice president of the United States withdraws, dies, or is otherwise removed from the ballot before the general election, another candidate may be substituted. The substitution shall be made by the state central committee of the political party or by the governing committee of the national party. If there are differences, the substitution made by the state central committee shall prevail. A nonparty political organization which has filed the names of party officers and central committee members with the secretary of state before the close of the filing period for the general election pursuant to section 44.17 may also make substitutions. A substitution must be filed no later than seventy-four days before the election.

Sec. 10. Section 57.6, Code 2015, is amended to read as follows:

57.6 Other contests.

All the provisions of the chapter ~~in relation~~ 62 relating to contested elections of county officers shall be applicable, as near as may be, to contested elections for other offices, and for public measures except as herein otherwise provided, and in all cases process and papers may be issued to and served in the manner provided by the rules of civil procedure for service of an original notice by the sheriff of any county.

Sec. 11. Section 96.7, subsections 4, 5, 6, and 11, Code 2015, are amended to read as follows:

4. Employer liability determination.

a. The department shall initially determine all questions relating to the liability of an employing unit or employer, including the amount of contribution, the contribution rate, and successorship. A copy of the initial determination shall be sent by regular mail to the last address, according to the records of the department, of each affected employing unit or employer.

b. The affected employing unit or employer may appeal in writing to the department from the initial determination.

An appeal shall not be entertained for any reason by the department unless the appeal is filed with the department within thirty days from the date on which the initial determination is mailed. If an appeal is not so filed, the initial determination shall with the expiration of the appeal period become final and conclusive in all respects and for all purposes.

c. A hearing on an appeal shall be conducted according to rules adopted by the department. A copy of the decision of the administrative law judge shall be sent by regular mail to the last address, according to the records of the department, of each affected employing unit or employer.

d. The department's decision on the appeal shall be final and conclusive as to the liability of the employing unit or employer unless the employing unit or employer files an appeal for judicial review within thirty days after the date of mailing of the decision as provided in subsection 5.

5. *Judicial review.*

a. Notwithstanding chapter 17A, petitions for judicial review may be filed in the district court of the county in which the employer resides, or in which the employer's principal place of business is located, or in the case of a nonresident not maintaining a place of business in this state either in a county in which the wages payable for employment were earned or paid or in Polk county, within thirty days after the date of the notice to the employer of the department's final determination as provided for in subsection 2, 3, or 4.

b. The petitioner shall file with the clerk of the district court a bond for the use of the respondent, with sureties approved by the clerk, with any penalty to be fixed and approved by the clerk. The bond shall not be less than fifty dollars and shall be conditioned on the petitioner's performance of the orders of the court. In all other respects, the judicial review shall be in accordance with chapter 17A.

6. *Jeopardy assessments.*

a. If the department believes that the collection of contributions payable or benefits reimbursable will be jeopardized by delay, the department may immediately make an assessment of the estimated amount of contributions due or benefits reimbursable, together with interest and applicable penalty, and demand payment from the employer. If the payment is not made, the department may immediately file a lien against the employer which may be followed by the issuance of a

distress warrant.

b. The department shall be permitted to accept a bond from the employer to satisfy collection until the amount of contributions due is determined. The bond shall be in an amount deemed necessary, but not more than double the amount of the contributions involved, with securities satisfactory to the department.

11. *Temporary emergency surcharge.*

a. If on the first day of the third month in any calendar quarter, the department has an outstanding balance of interest accrued on advance moneys received from the federal government for the payment of unemployment compensation benefits, or is projected to have an outstanding balance of accruing federal interest for that calendar quarter, the department shall collect a uniform temporary emergency surcharge for that calendar quarter, retroactive to the beginning of that calendar quarter. The surcharge shall be a percentage of employer contribution rates and shall be set at a uniform percentage, for all employers subject to the surcharge, necessary to pay the interest accrued on the moneys advanced to the department by the federal government, and to pay any additional federal interest which will accrue for the remainder of that calendar quarter. The surcharge shall apply to all employers except governmental entities, nonprofit organizations, and employers assigned a zero contribution rate. The department shall adopt rules prescribing the manner in which the surcharge will be collected. Interest shall accrue on all unpaid surcharges under this subsection at the same rate as on regular contributions and shall be collectible in the same manner. The surcharge shall not affect the computation of regular contributions under this chapter.

b. A special fund to be known as the temporary emergency surcharge fund is created in the state treasury. The special fund is separate and distinct from the unemployment compensation fund. All contributions collected from the temporary emergency surcharge shall be deposited in the special fund. The special fund shall be used only to pay interest accruing on advance moneys received from the federal government for the payment of unemployment compensation benefits. Interest earned upon moneys in the special fund shall be deposited in and credited to the special fund.

c. If the department determines on June 1 that no outstanding balance of interest due has accrued on advanced

moneys received from the federal government for the payment of unemployment compensation benefits, and that no outstanding balance is projected to accrue for the remainder of the calendar year, the department shall notify the treasurer of state of its determination. The treasurer of state shall immediately transfer all moneys, including accrued interest, in the temporary emergency surcharge fund to the unemployment compensation fund for the payment of benefits.

Sec. 12. Section 96.11, subsection 8, Code 2015, is amended to read as follows:

8. *Subpoenas.* In case of contumacy by, or refusal to obey a subpoena issued to any person, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the department, or any member or duly authorized representative thereof, shall have jurisdiction to issue to such person an order requiring such person to appear before the department or any member or duly authorized representative thereof to produce evidence if so ordered or to give testimony touching the matter under investigation or in question; any failure to obey such order of the court may be punished by said court as a contempt thereof.

Sec. 13. Section 97B.53, subsection 3, Code 2015, is amended to read as follows:

3. A terminated, vested member has the right, prior to the commencement of the member's retirement allowance, to receive a refund of moneys in the member's account, and in the event of the death of the member prior to the commencement of the member's retirement allowance and prior to the receipt of any such refund, the benefits authorized by ~~subsection 1 and subsection 2 of~~ section 97B.52, subsections 1 and 2, shall be paid.

Sec. 14. Section 97B.68, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. Such member's accumulated contributions as defined in ~~subsection 2 of~~ section 97B.1A, subsection 2, computed as of July 4, 1959, plus

Sec. 15. Section 97C.2, subsections 5 and 7, Code 2015, are amended to read as follows:

5. The term "*federal security administrator*" means the administrator of the federal security agency ~~(or or the administrator's successor in function)~~ function, and includes

any individual to whom the federal security administrator has delegated any of the administrator's functions under the Social Security Act, Tit. II, with respect to coverage under such Act of employees of states and their political subdivisions.

7. The term "*Social Security Act*" means the Act of Congress approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," Tit. II, ~~(including~~ including regulations and requirements issued pursuant ~~thereto)~~ thereto, as such Act has been and may from time to time be amended.

Sec. 16. Section 97C.14, Code 2015, is amended to read as follows:

97C.14 Elected officials — retroactive payments.

Any elective official of the state of Iowa, or any of its political subdivisions, who becomes subject to federal social security coverage under the provisions of the agreement referred to in section 97C.3 shall, not later than October 1, 1953, pay into the contribution fund established by section 97C.12 a tax sufficient to pay in the elected official's behalf an amount equal to three percent of the official's compensation received as a public official for each year or portion thereof that the public elected official has served as a public elective official since January 1, 1951, not to exceed thirty-six hundred dollars for any year of service. The state agency shall collect the tax hereby imposed and the proceeds from such tax shall be used for the purpose of obtaining retroactive federal social security coverage for elective officials, for the period beginning January 1, 1951, in the same manner as is provided in the case of other public employees by the provisions in ~~subsection 2~~ of section 97.51, subsection 2, in order to obtain retroactive federal social security coverage during this period of time, such contribution to be collected and guaranteed by the employer. The state agency will pay any such amount contributed to provide for retroactive federal social security coverage for the individual in question in the same manner as other payments are made for retroactive coverage of public employees. Provided that no member of a county board of supervisors shall be deemed to be an elective official in a part-time position, but every member of a county board of supervisors shall be deemed to be an employee within the purview of this chapter and shall be eligible to receive all of the benefits provided by this chapter to which the member may be entitled as an employee.

Sec. 17. Section 97C.20, Code 2015, is amended to read as follows:

97C.20 Referenda by governor.

1. With respect to employees of the state the governor is empowered to authorize a referendum, and with respect to the employees of any political subdivision the governor shall authorize a referendum upon request of the governing body of such subdivision; and in either case the referendum shall be conducted, and the governor shall designate an agency or individual to supervise its conduct, in accordance with the requirements of section ~~218`d`-(3)~~ 218(d)(3) of the Social Security Act, on the question of whether service in positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this chapter. The notice of referendum required by section ~~218`d`-(3)-(C)~~ 218(d)(3)(C) of the Social Security Act to be given to employees shall contain or shall be accomplished by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this chapter.

2. Upon receiving evidence satisfactory to the governor that with respect to any such referendum the conditions specified in section ~~218`d`-(3)~~ 218(d)(3) of the Social Security Act have been met, the governor shall so certify to the secretary of health and human services.

Sec. 18. Section 99D.6, Code 2015, is amended to read as follows:

99D.6 Chairperson Headquarters, meetings, and election of chairperson — administrator — employees — duties — bond.

1. The commission shall have its headquarters in the city of Des Moines and shall meet in July of each year and at other times and places as it finds necessary for the discharge of its duties. The commission shall elect in July of each year one of its members as chairperson for the succeeding year.

2. The commission shall appoint an administrator of the commission subject to confirmation by the senate. The administrator shall serve a four-year term. The term shall begin and end in the same manner as set forth in section 69.19. A vacancy shall be filled for the unexpired portion of the term

in the same manner as a full-term appointment is made. The administrator shall be covered by the blanket surety bond of the state purchased pursuant to section 8A.321, subsection 12. The compensation and employment terms of the administrator shall be set by the governor, taking into consideration the level of knowledge and experience of the administrator. The administrator shall keep a record of the proceedings of the commission and preserve the books, records, and documents entrusted to the administrator's care.

3. The administrator may hire other assistants and employees as necessary to carry out the commission's duties. Employees in the positions of equine veterinarian, canine veterinarian, and equine steward shall be exempt from the merit system provisions of chapter 8A, subchapter IV, and shall not be covered by a collective bargaining agreement. Some or all of the information required of applicants in section 99D.8A, subsections 1 and 2, may also be required of employees of the commission if the commission deems it necessary. The administrator shall keep a record of the proceedings of the commission and preserve the books, records, and documents entrusted to the administrator's care. The administrator shall be covered by the blanket surety bond of the state purchased pursuant to section 8A.321, subsection 12. The compensation and employment terms of the administrator shall be set by the governor, taking into consideration the level of knowledge and experience of the administrator. The commission shall have its headquarters in the city of Des Moines and shall meet in July of each year and at other times and places as it finds necessary for the discharge of its duties.

Sec. 19. Section 99D.9B, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. Moneys remaining in the fund following distribution to the Iowa greyhound association as provided in this subsection shall be under the sole control of the commission. The commission shall determine the method by which moneys remaining in the fund will be distributed, ~~provided, however,~~ that the commission shall distribute a portion of the moneys in the fund to no-kill animal adoption agencies to facilitate care for and adoption of greyhounds no longer racing as a result of the discontinuance of live racing. The commission may consider objective evidence, including purse payments to greyhound industry participants for the period beginning January 1, 2010, and ending December 31, 2014, in determining the method of

distribution. The commission may hire an expert to assist in the task of making distributions from the fund. The commission may distribute moneys from the fund to greyhound industry participants and to kennel owners and operators and greyhound owners for costs incurred in removing property from the dog racetrack located in Pottawattamie county as required by section 99D.9A, subsection 2, paragraph "c". Prior to adoption of any formula for distribution, the commission shall allow for input from greyhound industry participants. The distribution decisions of the commission shall be final. The commission may use moneys in the fund to pay its direct and indirect administrative expenses incurred in administering the fund, including the hiring of experts to assist in the commission's distribution determination. Members of the commission, employees of the commission, and any experts hired by the commission pursuant to this section shall be held harmless against any claim of liability made by any person arising out of the distribution of moneys from the fund by the commission.

Sec. 20. Section 101A.7, subsection 1, Code 2015, is amended to read as follows:

1. The licensee's or permittee's ~~explosive~~ explosives storage facility shall be inspected at least once a year by a representative of the state fire marshal's office, except that the state fire marshal may, at those mining operations licensed and regulated by the United States department of labor, accept an approved inspection report issued by the United States department of labor, mine safety and health administration, for the twelve-month period following the issuance of the report. The state fire marshal shall notify the appropriate city or county governing board of licenses to be issued in their respective jurisdictions pursuant to this chapter. The notification shall contain the name of the applicant to be licensed, the location of the facilities to be used in storing explosives, the types and quantities of explosive materials to be stored, and other information deemed necessary by either the governing boards or the state fire marshal. The facility may be examined at other times by the sheriff of the county where the facility is located or by the local police authority if the facility is located within a city of over ten thousand population and if the sheriff or city council considers it necessary.

Sec. 21. Section 124D.2, subsection 5, Code 2015, is amended to read as follows:

5. "Primary caregiver" means a person, at least eighteen years of age, who has been designated by a patient's neurologist or by a person having custody of a patient, as being necessary to take responsibility for managing the well-being of the patient with respect to the medical use of cannabidiol pursuant to the provisions of this chapter.

Sec. 22. Section 124D.4, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. The patient's ~~photo~~ photograph.

Sec. 23. Section 124D.4, subsection 4, paragraph b, Code 2015, is amended to read as follows:

b. The primary caregiver's ~~photo~~ photograph.

Sec. 24. Section 135C.9, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. The facility has been inspected by the state fire marshal or a deputy appointed by the fire marshal for that purpose, who may be a member of a municipal fire department, and the department has received either a certificate of compliance or a provisional certificate of compliance by the facility with the fire hazard and fire safety rules and standards of the department as promulgated by the fire marshal and, where applicable, the fire safety standards required for participation in programs authorized by either Tit. XVIII or Tit. XIX of the United States Social Security Act (~~42, codified at 42 U.S.C. §1395 - 139511 and 1396 - 1396g~~) 1396g. The certificate or provisional certificate shall be signed by the fire marshal or the fire marshal's deputy who made the inspection. If the state fire marshal or a deputy finds a deficiency upon inspection, the notice to the facility shall be provided in a timely manner and shall specifically describe the nature of the deficiency, identifying the Code section or subsection or the rule or standard violated. The notice shall also specify the time allowed for correction of the deficiency, at the end of which time the fire marshal or a deputy shall perform a follow-up inspection.

Sec. 25. Section 135C.36, subsection 5, Code 2015, is amended to read as follows:

5. If a facility self-identifies a deficient practice prior to an on-site visit inspection, there has been no complaint filed with the department related to that specific deficient practice, and the facility corrects such practice prior to an inspection, no citation shall be issued or fine assessed pursuant to subsection 2 or 3 except for those penalties

arising pursuant to section 135C.33; 481 IAC 57.12(2)(d), 481 IAC 57.12(3), 481 IAC 57.15(5), 481 IAC 57.25(1), 481 IAC 57.39, 481 IAC 58.11(3), 481 IAC 58.14(5), 481 IAC 58.19(2)(a), 481 IAC 58.19(2)(h), 481 IAC 58.28(1)(a), 481 IAC 58.43, 481 IAC 62.9(5), 481 IAC 62.15(1)(a), 481 IAC 62.19(2)(c), 481 IAC 62.19(7), 481 IAC 62.23(23)-(25), 481 IAC 63.11(2)(d), 481 IAC 63.11(3), 481 IAC 63.23(1)(a), 481 IAC 63.37, 481 IAC 64.4(9), 481 IAC 64.33, 481 IAC 64.34, 481 IAC 65.9(5), 481 IAC 65.15, or 481 IAC 65.25(3)-(5), or the successor to any of such rules; or 42 C.F.R. §483.420(d), ~~483.460(e)(4)~~ 42 C.F.R. §483.460(c)(4), or ~~483.470(j)~~ 42 C.F.R. §483.470(j), or the successor to any of such federal regulations.

Sec. 26. Section 135L.3, subsection 2, Code 2015, is amended to read as follows:

2. The licensed physician who will perform the abortion shall provide notification in person or by mailing the notification by restricted certified mail to a parent of the pregnant minor at the usual place of abode of the parent. For the purpose of delivery by restricted certified mail, the time of delivery is deemed to occur at ~~twelve o'clock~~ 12:00 noon on the next day on which regular mail delivery takes place, subsequent to the mailing.

Sec. 27. Section 161A.3, subsection 12, Code 2015, is amended to read as follows:

12. "*Petition*" means a petition filed under the provisions of ~~subsection 1 of~~ section 161A.5, subsection 1, for the creation of a district.

Sec. 28. Section 163.11, Code 2015, is amended to read as follows:

163.11 Imported animals.

1. A person shall not move an animal into this state, except to a public livestock market where federal inspection of livestock is maintained, for work, breeding, or dairy purposes, unless such animal has been examined and found free from all infectious or contagious diseases.

2. ~~No~~ A person shall not bring in any manner into this state any cattle for dairy or breeding purposes unless such cattle have been tested within thirty days prior to date of importation by the agglutination test for contagious abortion or abortion disease, and shown to be free from such disease.

3. Animals for feeding purposes, however, may be brought into the state without inspection, under such regulations as the department may prescribe except that this sentence

subsection shall not apply to swine.

Sec. 29. Section 185C.26, Code 2015, is amended to read as follows:

185C.26 Deposit of moneys — corn promotion fund.

A state assessment collected by the board from a sale of corn shall be deposited in the office of the treasurer of state in a special fund known as the corn promotion fund. The fund may include any gifts, rents, royalties, interest, license fees, or a federal or state grant received by the board. Moneys collected, deposited in the fund, and transferred to the board as provided in this chapter shall be subject to audit by the auditor of state. The auditor of state may seek reimbursement for the cost of the audit from moneys deposited in the fund as provided in this chapter. The department of administrative services shall transfer moneys from the fund to the board for deposit into an account established by the board in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the board. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open. From moneys collected, the board shall first pay all the direct and indirect costs incurred by the secretary and the costs of referendums, elections, and other expenses incurred in the administration of this chapter, before moneys may be expended ~~for the purpose of carrying~~ to carry out the purposes of this chapter as provided in section 185C.11.

Sec. 30. Section 190.11, Code 2015, is amended to read as follows:

190.11 Artificial sweetening — labeling.

Where any approved artificial sweetening product such as saccharin or sulfamate is used by any person in the manufacture or sale of any article of food intended for human consumption, the container in which any such food or beverage is sold or offered for sale to the public shall be clearly, legibly and noticeably labeled with the name of the sweetening product used. The portion of the store, display counter, shelving, or other place where such food or beverage is displayed or offered for sale, shall be clearly and plainly identified by an appropriate sign reading:

~~“FOR FOR DIETARY PURPOSES”~~ PURPOSES.

Sec. 31. Section 206.2, subsection 13, Code 2015, is amended to read as follows:

13. “*Hazard*” means a probability that a given pesticide

will have an adverse effect on ~~man~~ humans or the environment in a given situation, the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time.

Sec. 32. Section 207.4, subsection 3, Code 2015, is amended to read as follows:

3. A permit terminates if the permittee has not commenced the coal mining operations covered by the permit within three years of ~~its~~ issuance of the permit. However, the division may grant reasonable extensions of time upon a showing that the extensions are necessary because of litigation precluding the commencement or threatening substantial economic loss to the permittee or because of conditions beyond the control and without the fault or negligence of the permittee. If a coal lease is issued under the federal Mineral Leasing Act, as amended, extensions of time may not extend beyond the period allowed for diligent development in accordance with section 7 of that Act. If coal is to be mined for use in a synthetic fuel facility or specific major electric generating facility, the permittee is deemed to have commenced mining operations when the construction of the synthetic fuel or generating facility is initiated.

Sec. 33. Section 225C.47, subsection 3, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Eligibility for the comprehensive family support program is limited to families who meet all of the following conditions:

Sec. 34. Section 232.119, subsection 3, Code 2015, is amended to read as follows:

3. To register a child on the Iowa exchange, the department adoption worker or the private agency worker shall register the pertinent information concerning the child on the exchange. A ~~photo~~ photograph of the child and other necessary information shall be forwarded to the department to be included in the photo-listing book which shall be updated regularly. The department adoption worker or the private agency worker who places a child on the exchange shall update the registration information within ten working days after a change in the information occurs.

Sec. 35. Section 235A.17, subsection 3, Code 2015, is amended to read as follows:

3. a. For the purposes of this subsection, "*subject of a child abuse report*" means any individual listed in section 235A.15, subsection 2, paragraph "a", other than the attorney or

guardian ad litem of such individual.

b. An individual who is the subject of a child abuse report may redisseminate to the governor or the governor's designee or to a member of the general assembly or an employee of the general assembly designated by the member, child abuse information that was disseminated to the individual by the department or other official source. The child abuse information may also include the following related information that the individual is allowed under law to possess:

~~department~~

(1) Department of human services information described in section 217.30, subsection 1, ~~mental.~~

(2) Mental health information as defined in section 228.1, ~~and juvenile.~~

(3) Juvenile court social records and other information in official juvenile court records described in section 232.147.

c. A person who receives confidential child abuse information and related information redisseminated under this subsection shall not further disseminate, communicate, or attempt to communicate the information to a person who is not authorized by this section or other provision of law to have access to the information.

Sec. 36. Section 235B.19, subsection 7, Code 2015, is amended to read as follows:

7. If the department cannot obtain an emergency order under this section due to inaccessibility of the court, the department may contact law enforcement to remove the dependent adult to safer surroundings, authorize the provision of medical treatment, and order the provision of or provide other available services necessary to remove conditions creating the immediate danger to the health or safety of the dependent adult or which are producing irreparable harm to the physical or financial resources or property of the dependent adult. The department shall obtain an emergency order under this section not later than ~~four~~ 4:00 p.m. on the first succeeding business day after the date on which protective or other services are provided. If the department does not obtain an emergency order within the prescribed time period, the department shall cease providing protective services and, if necessary, make arrangements for the immediate return of the person to the place from which the person was removed, to the person's place of residence in the state, or to another suitable place. A person, agency, or institution acting in good faith in

removing a dependent adult or in providing services under this subsection, and an employer of or person under the direction of such a person, agency, or institution, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as the result of the removal or provision of services.

Sec. 37. Section 235F.6, subsection 4, unnumbered paragraph 1, Code 2015, is amended to read as follows:

The court may approve a consent agreement between the parties entered into to bring about the cessation of elder abuse. A consent agreement approved under this section shall not contain any of the following:

Sec. 38. Section 237.14, Code 2015, is amended to read as follows:

237.14 Enhanced foster care services.

The department shall provide for enhanced foster care services by establishing supplemental per diem or performance-based contracts ~~which~~ that include payment of costs relating to payments of principal and interest for bonds and notes issued pursuant to section 16.57 with facilities licensed under this chapter which provide special services to children who would otherwise be placed in a state juvenile institution or an out-of-state program. Before completion of the department's budget estimate as required by section 8.23, the department shall determine and include in the estimate the amount which should be appropriated for enhanced foster care services for the forthcoming fiscal year in order to provide sufficient services.

Sec. 39. Section 260C.48, subsection 4, Code 2015, is amended to read as follows:

4. Standards relating to quality assurance of faculty and ongoing quality professional development shall be the accreditation standards of the higher learning commission, and the faculty standards required under specific programs offered by the community college that are accredited by other accrediting agencies.

Sec. 40. Section 261B.11B, Code 2015, is amended to read as follows:

261B.11B Voluntary registration.

A school or other postsecondary educational institution that is exempt under section 261B.11 may voluntarily register under this chapter ~~261B~~ in order to comply with chapter 261G or for purposes of institutional eligibility under 34 C.F.R.

§600.9(a).

Sec. 41. Section 263.6, Code 2015, is amended to read as follows:

263.6 Management.

The management and control of ~~such~~ the institute of child behavior and development shall be vested in a director appointed by the ~~said~~ board of regents and an advisory board of seven members to be appointed by the president of the university from the faculty of the graduate college of ~~said~~ the university.

Sec. 42. Section 280.17, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall place on administrative leave a school employee who is the subject of an investigation of an alleged incident of abuse of a student conducted in accordance with 281 IAC ch. 102.

Sec. 43. Section 284.15, subsection 2, paragraph a, subparagraph (1), Code 2015, is amended to read as follows:

(1) The salary for an initial teacher who has successfully completed an approved practitioner preparation program as defined in section 272.1 or holds an initial or intern teacher license issued under chapter 272, and who participates in the ~~initial~~ beginning teacher mentoring and induction program as provided in this chapter, shall be at least thirty-three thousand five hundred dollars, which shall also constitute the minimum salary for an Iowa teacher.

Sec. 44. Section 284.15, subsection 2, paragraph b, subparagraph (1), Code 2015, is amended to read as follows:

(1) Has successfully completed the ~~initial~~ beginning teacher mentoring and induction program and has successfully completed a comprehensive evaluation.

Sec. 45. Section 310.27, Code 2015, is amended to read as follows:

310.27 Period of allocation — reversion — temporary transfers.

1. The farm-to-market road fund allotted to any county as provided in this chapter shall remain available for expenditure in said county for three years after the close of the fiscal year during which said sums respectively were allocated. Any sum remaining unexpended at the end of the period during which it is available for expenditure, shall be reapportioned among all the counties as provided in section 312.5 for original

allocations.

2. For the purposes of this section, any sums of the farm-to-market road fund allotted to any county shall be presumed to have been "expended" when a contract has been awarded obligating the sums. When projects and their estimated costs, which are proposed to be funded from the farm-to-market road fund, are submitted to the department for approval, the department shall estimate the total funding necessary and the period during which claims for the projects will be filed. After anticipating the funding necessary for approved projects, the department may temporarily allocate additional moneys from the farm-to-market road fund for use in any other farm-to-market projects. However, a county shall not be temporarily allocated funds for projects in excess of the county's anticipated farm-to-market road fund allocation for the current fiscal year plus the four succeeding fiscal years.

3. If in the judgment of the department the anticipated claims against the primary road fund for any month are in excess of moneys available, a temporary transfer for highway construction costs may be made from the farm-to-market road fund to the primary road fund providing there will remain in the transferring fund a sufficient balance to meet the anticipated obligations. All transfers shall be repaid from the primary road fund to the farm-to-market road fund within sixty days from the date of the transfer. A transfer shall be made only with the approval of the director of the department of management and shall comply with the director of the department of management's rules relating to the transfer of funds. Similar transfers may be made by the department from the primary road fund to the farm-to-market road fund and these transfers shall be subject to the same terms and conditions that transfers from the farm-to-market road fund to the primary road fund are subject.

Sec. 46. Section 328.1, subsection 1, paragraph u, Code 2015, is amended to read as follows:

u. "Operation of aircraft" or "operate aircraft" means the use of aircraft for the purpose of air navigation, and includes the navigation or piloting of aircraft and shall embrace any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (~~in, in the capacity of owner, lessee, or otherwise~~) otherwise.

Sec. 47. Section 358.22, Code 2015, is amended to read as follows:

358.22 Special assessments and connection fees.

1. The board of trustees of a sanitary district may provide for payment of all or any portion of the costs of acquiring, locating, laying out, constructing, reconstructing, repairing, changing, enlarging, or extending conduits, ditches, channels, outlets, drains, sewers, laterals, treatment plants, pumping plants, and other necessary adjuncts thereto, by assessing all, or any portion of the costs, on adjacent property according to the benefits derived. For the purposes of this chapter, the board of trustees may define "*adjacent property*" as all that included within a designated benefited district or districts to be fixed by the board, which may be all of the property located within the sanitary district or any lesser portion of that property. It is not a valid objection to a special assessment that the improvement for which the assessment is levied is outside the limits of the sanitary district, but a special assessment shall not be made upon property situated outside of the sanitary district. Special assessments pursuant to this section shall be in proportion to the special benefits conferred upon the property, and not in excess of the benefits, and an assessment shall not exceed twenty-five percent of the value of the property at the time of levy. The value of a property is the present fair market value of the property with the proposed public improvements completed. Payment of installments of a special assessment against property used and assessed as agricultural property shall be deferred upon the filing of a request by the owner in the same manner and under the same procedures as provided in chapter 384 for special assessments by cities.

2. The assessments may be made to extend over a period not to exceed fifteen years, payable in as nearly equal annual installments as practicable. A majority vote of the board of trustees is requisite and sufficient for any action required by the board of trustees under this section.

3. Subject to the limitations otherwise stated in this section, a sanitary district organized under this chapter has all of the powers to specially assess the costs of improvements described in this section, including the power to issue special assessment bonds, warrants, project notes, or other forms of interim financing obligations, which cities have under the laws of this state.

4. Subject to the limitations otherwise stated in this section, the board of trustees may establish one or more

benefited districts and schedules of fees for the connection of property to the sanitary sewer facilities of a sanitary district. Each person whose property will be connected to the sanitary sewer facilities of a sanitary district shall pay a connection fee to the sanitary district, which may include the equitable cost of extending sanitary sewer service to the benefited district and reasonable interest from the date of construction to the date of payment. In establishing the benefited districts and establishing and implementing the schedules of fees, the board of trustees shall act in accordance with the powers granted to a city in section 384.38, subsection 3, and the procedures in that subsection. However, all fees collected under this ~~paragraph~~ subsection shall be paid to the sanitary district and the moneys collected as fees shall be used only by the sanitary district to finance improvements or extensions to its sanitary sewer facilities, to reimburse the sanitary district for funds disbursed by its board of trustees to finance improvements or extensions to its sanitary sewer facilities, or to pay debt service on obligations issued to finance improvements or extensions to its sanitary sewer facilities. This ~~paragraph~~ subsection does not apply when a sanitary district annexation plan or petition includes annexation of an area adjoining the district or a petition has not been presented for a sewer connection. Until the annexation becomes effective or the annexation plan or petition is abandoned, the state mandate contained in section 455B.172, subsections 3, 4, and 5, shall not apply unless the property owner requests to be connected to the sanitary district's sewer facilities and voluntarily pays the connection fee.

Sec. 48. Section 403.6, subsection 1, Code 2015, is amended to read as follows:

1. To undertake and carry out urban renewal projects within its area of operation; ~~and~~ to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter; and to disseminate slum clearance and urban renewal information.

Sec. 49. Section 403A.3, subsections 2, 3, 4, and 7, Code 2015, are amended to read as follows:

2. To undertake and carry out studies and analyses of the housing needs and of the meeting of such needs ~~(including,~~ including data with respect to population and family groups and the distribution thereof according to income groups, the

amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages and other factors affecting the local housing needs and the meeting thereof) thereof, and to make the results of such studies and analyses available to the public and the building, housing, and supply industries; and to engage in research and disseminate information on housing and slum clearance.

3. To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for, or in connection with, a housing project or the occupants thereof; and ~~(notwithstanding, notwithstanding~~ anything to the contrary contained in this chapter or in any other provision of ~~law~~) law, to agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or administration of projects, and to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractor comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

4. To lease or rent any dwellings, accommodations, lands, buildings, structures or facilities embraced in any project and ~~(subject, subject~~ to the limitations contained in this chapter with respect to the rental of dwellings in housing ~~projects~~) projects, to establish and revise the rents or charges therefor; to own, hold and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property subject to section 403A.20; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance, in any stock or mutual company of any real or personal property or operations of the municipality against any risks or hazards; to procure or agree to the procurement of federal or state government insurance or guarantees of the payment of any bonds or parts thereof issued by a municipality, including the power to pay premiums on any such insurance.

7. To conduct examinations and investigations and to hear

testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend or excused from attendance; to make available to appropriate agencies ~~(including,~~ including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures within its area of ~~operation)~~ operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

Sec. 50. Section 422.12, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. ~~"Emergency medical services personnel"~~ "personnel member" means an emergency medical care provider, as defined in section 147A.1, who is certified as a first responder pursuant to chapter 147A.

Sec. 51. Section 422.12, subsection 2, paragraph c, Code 2015, is amended to read as follows:

c. (1) A volunteer fire fighter and volunteer emergency medical services personnel member credit equal to one hundred dollars to compensate the taxpayer for the voluntary services if the volunteer served for the entire tax year. A taxpayer who is a paid employee of an emergency medical services program or a fire department and who is also a volunteer emergency medical services personnel member or volunteer fire fighter in a city, county, or area governed by an agreement pursuant to chapter 28E where the emergency medical services program or fire department performs services, shall qualify for the credit provided under this paragraph "c".

(2) If the taxpayer is not a volunteer fire fighter or volunteer emergency medical services personnel member for the entire tax year, the maximum amount of the credit shall be prorated and the amount of credit for the taxpayer shall equal the maximum amount of credit for the tax year, divided by twelve, multiplied by the number of months in the tax year the taxpayer was a volunteer. The credit shall be rounded to the nearest dollar. If the taxpayer is a volunteer during any part of a month, the taxpayer shall be considered a volunteer for the entire month. If the taxpayer is a volunteer fire fighter and a volunteer emergency medical services personnel member

during the same month, a credit may be claimed for only one volunteer position for that month.

~~(2)~~ (3) The taxpayer is required to have a written statement from the fire chief or other appropriate supervisor verifying that the taxpayer was a volunteer fire fighter or volunteer emergency medical services personnel member for the months for which the credit under this paragraph "c" is claimed.

Sec. 52. Section 422.12, subsection 2, paragraph d, subparagraphs (3) and (4), Code 2015, are amended to read as follows:

(3) If the taxpayer is a reserve peace officer during the same month as the taxpayer is a volunteer fire fighter or volunteer emergency medical services personnel member, as defined in this section, a credit may be claimed for only one position for that month under either paragraph "c" or this paragraph ~~or paragraph "e"~~ "d".

(4) The taxpayer is required to have a written statement from the chief of police, sheriff, commissioner of public safety, or other appropriate supervisor verifying that the taxpayer was a reserve peace officer for the months for which the credit under this paragraph "d" is claimed.

Sec. 53. Section 422.17, Code 2015, is amended to read as follows:

422.17 Certificate issued by department to make payments without withholding.

Any nonresident whose Iowa income is not subject to section 422.16, subsection 1, in whole or in part, and who elects to be governed by section 422.16, subsection 12, ~~of that section~~ to the extent that the nonresident pays the entire amount of tax properly estimated on or before the last day of the fourth month of the nonresident's tax year, for the year, may for the year of the election and payment, be granted a certificate from the department authorizing each withholding agent, the income from whom the nonresident has considered in the payment of estimated tax and to the extent the income is included in the estimate, to make payments of income to the nonresident without withholding tax from those payments. Withholding agents, if payments exceed the tax liability estimated by the nonresident as indicated upon the certificate, shall withhold tax in accordance with ~~subsection 12 of section 422.16~~, subsection 12.

Sec. 54. Section 423.1, subsection 43, Code 2015, is amended to read as follows:

43. a. "Receive" and "receipt" mean any of the following:

- ~~a.~~ (1) Taking possession of tangible personal property.
- ~~b.~~ (2) Making first use of a service.
- ~~c.~~ (3) Taking possession or making first use of digital goods, whichever comes first.

b. "Receive" and "receipt" do not include possession by a shipping company on behalf of a purchaser.

Sec. 55. Section 423.29, Code 2015, is amended to read as follows:

423.29 Collections by sellers.

1. Every seller who is a retailer and who is making taxable sales of tangible personal property in Iowa shall, at the time of selling the property, collect the sales tax. Every seller who is a retailer maintaining a place of business in this state and selling tangible personal property for use in Iowa shall, at the time of making the sale, whether within or without the state, collect the use tax. Sellers required to collect sales or use tax shall give to any purchaser a receipt for the tax collected in the manner and form prescribed by the director.

2. Every seller who is a retailer furnishing taxable services in Iowa and every seller who is a retailer maintaining a place of business in this state and furnishing taxable services in Iowa or services outside Iowa if the product or result of the service is used in Iowa shall be subject to the provisions of ~~the preceding paragraph~~ subsection 1.

Sec. 56. Section 423.32, subsection 1, Code 2015, is amended to read as follows:

1. a. A retailer maintaining a place of business in this state who is required to collect or a user who is required to pay the use tax or a foreign retailer authorized, pursuant to section 423.30, to collect the use tax, shall remit to the department the amount of tax on or before the last day of the month following each calendar quarterly period. However, a retailer who collects or owes more than fifteen hundred dollars in use taxes in a month shall deposit with the department or in a depository authorized by law and designated by the director, the amount collected or owed, with a deposit form for the month as prescribed by the director.

~~a.~~ b. The deposit form is due on or before the twentieth day of the month following the month of collection, except a deposit is not required for the third month of the calendar quarter, and the total quarterly amount, less the amounts deposited for the first two months of the quarter, is due with the quarterly report on the last day of the month following

the month of collection. At that time, the retailer shall file with the department a return for the preceding quarterly period in the form prescribed by the director showing the purchase price of the tangible personal property sold by the retailer during the preceding quarterly period, the use of which is subject to the use tax imposed by this chapter, and other information the director deems necessary for the proper administration of the use tax.

~~b.~~ c. The return shall be accompanied by a remittance of the use tax for the period covered by the return. If necessary in order to ensure payment to the state of the tax, the director may in any or all cases require returns and payments to be made for other than quarterly periods. The director, upon request and a proper showing of necessity, may grant an extension of time not to exceed thirty days for making any return and payment. Returns shall be signed, in accordance with forms and rules prescribed by the director, by the retailer or the retailer's authorized agent, and shall be certified by the retailer or agent to be correct.

Sec. 57. Section 423D.4, Code 2015, is amended to read as follows:

423D.4 Administration by director.

1. The director of revenue shall administer the excise tax on the sale and use of equipment as nearly as possible in conjunction with the administration of the state sales and use tax law, except that portion of the law which implements the streamlined sales and use tax agreement. The director shall provide appropriate forms, or provide on the regular state tax forms, for reporting the sale and use of equipment excise tax liability. All moneys received and all refunds shall be deposited in or withdrawn from the general fund of the state.

2. The director may require all persons who are engaged in the business of deriving any sales price or purchase price subject to tax under this chapter to register with the department. The director may also require a tax permit applicable only to this chapter for any retailer not collecting, or any user not paying, taxes under chapter 423.

3. Section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection 1, and sections 423.23, 423.24, 423.25, 423.31 through 423.35, 423.37 through 423.42, and 423.47, consistent with the provisions of this chapter, apply with respect to the tax

authorized under this chapter, in the same manner and with the same effect as if the excise taxes on equipment sales or use were retail sales taxes within the meaning of those statutes. Notwithstanding this ~~paragraph~~ subsection, the director shall provide for quarterly filing of returns and for other than quarterly filing of returns both as prescribed in section 423.31. All taxes collected under this chapter by a retailer or any user are deemed to be held in trust for the state of Iowa.

Sec. 58. Section 427.1, subsection 22, paragraph a, Code 2015, is amended to read as follows:

a. Application for this exemption shall be filed with the commissioners of the soil and water conservation district in which the property is located, not later than February 1 of the assessment year, on forms provided by the department of revenue. The application shall describe and locate the property to be exempted and have attached to it an aerial ~~photo~~ photograph of that property on which is outlined the boundaries of the property to be exempted. In the case of an open prairie that has been restored or reestablished, the property shall be inspected and certified as provided by the county board of supervisors as having adequate ground cover consisting of native species and that all primary and secondary noxious weeds present are being controlled to prevent the spread of seeds by either wind or water. In the case of an open prairie which is or includes a gully area susceptible to severe erosion, an approved erosion control plan must accompany the application.

Sec. 59. Section 452A.65, Code 2015, is amended to read as follows:

452A.65 Failure to promptly pay fuel taxes — refunds — interest and penalties — successor liability.

1. In addition to the tax or additional tax, the taxpayer shall pay a penalty as provided in section 421.27. The taxpayer shall also pay interest on the tax or additional tax at the rate in effect under section 421.7 counting each fraction of a month as an entire month, computed from the date the return was required to be filed. If the amount of the tax as determined by the appropriate state agency is less than the amount paid, the excess shall be refunded with interest, the interest to begin to accrue on the first day of the second calendar month following the date of payment or the date the return was due to be filed or was filed, whichever is the latest, at the rate in effect under section 421.7 counting

each fraction of a month as an entire month under the rules prescribed by the appropriate state agency. Claims for refund filed under sections 452A.17 and 452A.21 shall accrue interest beginning with the first day of the second calendar month following the date the refund claim is received by the department.

2. A report required of licensees or persons operating under division III, upon which no tax is due, is subject to a penalty of ten dollars if the report is not timely filed with the state department of transportation.

3. If a licensee or other person sells the licensee's or other person's business or stock of goods or quits the business, the licensee or other person shall prepare a final return and pay all tax due within the time required by law. The immediate successor to the licensee or other person, if any, shall withhold sufficient of the purchase price, in money or money's worth, to pay the amount of any delinquent tax, interest or penalty due and unpaid. If the immediate successor of the business or stock of goods intentionally fails to withhold any amount due from the purchase price as provided in this ~~paragraph~~ subsection, the immediate successor is personally liable for the payment of the taxes, interest and penalty accrued and unpaid on account of the operation of the business by the immediate former licensee or other person, except when the purchase is made in good faith as provided in section 421.28. However, a person foreclosing on a valid security interest or retaking possession of premises under a valid lease is not an "*immediate successor*" for purposes of this ~~paragraph~~ subsection. The department may waive the liability of the immediate successor under this ~~paragraph~~ subsection if the immediate successor exercised good faith in establishing the amount of the previous liability.

Sec. 60. Section 455D.16, subsection 4, paragraph a, subparagraph (4), Code 2015, is amended to read as follows:

(4) That collection points will be established to serve homeowners. The collection points shall include but are not limited to regional collection centers permitted under 567 IAC ch. 123. Collection points may include but are not limited to thermostat retailers.

Sec. 61. Section 476.53, subsection 3, paragraph a, subparagraph (1), Code 2015, is amended to read as follows:

(1) (a) Files an application pursuant to section 476A.3 to construct in Iowa a baseload electric power generating facility

with a nameplate generating capacity equal to or greater than three hundred megawatts or a combined-cycle electric power generating facility, or an alternate energy production facility as defined in section 476.42, or to significantly alter an existing generating facility. For purposes of this subparagraph, a significant alteration of an existing generating facility must, in order to qualify for establishment of ratemaking principles, fall into one of the following categories:

~~(a)~~ (i) Conversion of a coal fueled facility into a gas fueled facility.

~~(b)~~ (ii) Addition of carbon capture and storage facilities at a coal fueled facility.

~~(c)~~ (iii) Addition of gas fueled capability to a coal fueled facility, in order to convert the facility to one that will rely primarily on gas for future generation.

~~(d)~~ (iv) Addition of a biomass fueled capability to a coal fueled facility.

(b) With respect to a significant alteration of an existing generating facility, an original facility shall not be required to be either a baseload or a combined-cycle facility. Only the incremental investment undertaken by a utility under subparagraph ~~divisions~~ (a) subdivision (i), (b) (ii), (c) (iii), or (d) (iv) shall be eligible to apply the ratemaking principles established by the order issued pursuant to paragraph "e". Facilities for which advanced ratemaking principles are obtained pursuant to this section shall not be subject to a subsequent board review pursuant to section 476.6, subsection 20, to the extent that the investment has been considered by the board under this section. To the extent an eligible utility has been authorized to make capital investments subject to section 476.6, subsection 20, such investments shall not be eligible for ratemaking principles pursuant to this section.

Sec. 62. Section 480.1, subsection 4, Code 2015, is amended to read as follows:

4. a. "Excavation" means an operation in which a structure or earth, rock, or other material in or on the ground is moved, removed, or compressed, or otherwise displaced by means of any tools, equipment, or explosives and includes but is not limited to grading, trenching, tiling, digging, ditching, drilling, augering, tunneling, scraping, cable or pipe plowing, driving, and demolition of structures.

b. "Excavation" does not include normal farming operations, residential, commercial, or similar gardening, the opening of a grave site in a cemetery, normal activities involved in land surveying pursuant to chapter 542B, operations in a solid waste disposal site which has planned for underground facilities, the replacement of an existing traffic sign at its current location and at no more than its current depth, and normal road or highway maintenance which does not change the original grade of the roadway or the ditch.

Sec. 63. Section 491.3, subsection 6, Code 2015, is amended to read as follows:

6. To make contracts, acquire and transfer ~~property~~ — possessing property, possessing the same powers in such respects as natural persons.

Sec. 64. Section 491.20, Code 2015, is amended to read as follows:

491.20 Amendments — fees.

1. Amendments to articles of incorporation making changes in any of the provisions of the articles may be made at any annual meeting of the stockholders or special meeting called for that purpose, and they shall be valid only when approved by the shareholders and filed with the secretary of state. If no increase is made in the amount of capital stock, a certificate fee of one dollar and a recording fee of fifty cents per page must be paid. Where capital stock is increased the certificate fee shall be omitted but there shall be paid a recording fee of fifty cents per page and in addition a filing fee which in case of corporations existing for a period of years shall be one dollar per thousand of such increase and in case of corporations empowered to exist perpetually shall be one dollar and ten cents per thousand of such increase. Corporations providing for perpetual existence by amendment to its articles shall, at the time of filing such amendment, pay to the secretary of state a fee of one hundred dollars together with a recording fee of fifty cents per page, and, for all authorized capital stock in excess of ten thousand dollars, an additional fee of one dollar ten cents per thousand.

2. a. Its articles of incorporation to the contrary notwithstanding, if three-fourths of the voting stock of any corporation organized under the provisions of this chapter, with assets of the value of one million dollars or more, is owned by individuals owning not more than one share each of the voting stock thereof, said articles may be amended at any

regular or special meeting of stockholders, when a notice in writing of the substance of the proposed amendment has been mailed by ordinary mail to each voting stockholder of such corporation not more than ninety nor less than sixty days prior to said meeting, by the affirmative vote of two-thirds of the voting stock represented at said meeting when said amendment is approved by the affirmative vote of two-thirds of the members of the board of directors at a meeting prior to the mailing of said notice.

b. If such corporation is renewed under the provisions of section 491.25, the voting stock of dissenting stockholders or any portion thereof may be purchased by the corporation at its option as provided in ~~said~~ section 491.25.

Sec. 65. Section 491.25, Code 2015, is amended to read as follows:

491.25 Renewal — conditions.

1. Corporations existing for a period of years may be renewed from time to time for the same or shorter periods, or may be renewed to exist perpetually, upon compliance with the provisions of this section and other applicable statutes.

2. The right of renewal is vested in the stockholders and shall be exercised by a resolution thereof adopted at any regular meeting or at any special meeting called for that purpose. Such resolution must be adopted by a majority of all the votes cast at such meeting, or by such other vote as is authorized or required in the company's existing articles of incorporation.

3. If the renewal instrument in proper form and the necessary fees are tendered to the secretary of state for filing three months or less either prior or subsequent to the corporation's expiration date, ~~such~~ the renewal shall take effect immediately upon the expiration of the corporation's previous period of existence, and in such case, the corporate existence shall be considered as having been extended without interruption. If the renewal is filed more than three months before or after the expiration date, ~~such~~ the renewal shall take effect upon the date such renewal with necessary fees is accepted and filed by the secretary of state; and in cases where filed more than three months after the expiration date, shall not be in legal effect a renewal unless the procedure provided for and the additional fees provided for in section 491.28 are fully complied with and paid.

4. In all cases of renewal, those stockholders voting for

such renewal must purchase at its real value the stock voted against ~~such~~ the renewal, and shall have three years from the date such action for renewal was taken in which to purchase and pay for the stock voting against ~~such~~ the renewal, which purchase price shall bear interest at the rate of five percent per annum from the date of ~~such~~ the renewal action until paid.

Sec. 66. Section 499.9, Code 2015, is amended to read as follows:

499.9 Penalties — performance — injunction — arbitration.

1. a. Contracts permitted by section 499.8 may provide that the member pay the association any sum, fixed in amount or by a specified method of computation, for each violation thereof; also all the association's expenses of any suit thereon, including bond premiums and attorney's fees. All such provisions shall be enforced as written, whether at law or in equity, and shall be deemed proper measurement of actual damages, and not penalties or forfeitures.

b. The association may obtain specific performance of any such contract, or enjoin its threatened or continued breach, despite the adequacy of any legal or other remedy.

c. If the association files a verified petition, showing an actual or threatened breach of any such contract and seeking any remedy therefor, the court shall, without notice or delay but on such bond as it deems proper, issue a temporary injunction against such breach or its continuance.

2. The parties to such contracts may agree to arbitrate any controversy subsequently arising thereunder, and fix the number of arbitrators and method of their appointment. Such agreements shall be valid and irrevocable, except on such grounds as invalidate contracts generally. If they specify no method for appointing arbitrators, or if either party fails to follow such method, or if for any reason arbitrators are not named or vacancies filled, either party may apply to the district court to designate the necessary arbitrator, who shall then act under the agreement with the same authority as if named in it. Unless otherwise agreed, there shall be but one arbitrator.

Sec. 67. Section 499B.7, subsection 2, Code 2015, is amended to read as follows:

2. Any conveyance, encumbrance, lien, alienation, or devise of an apartment under a horizontal property regime by any instrument which describes the land and apartment as set forth in section 499B.4, shall also convey, encumber, alienate,

devise, or be a lien upon the fractional or percentage interest appurtenant to each such apartment under section 499B.4, subsection 6, to the general common elements, and the respective share or percentage interest to limited common elements where applicable, whether such general common elements or limited common elements are described as in section 499B.4, subsections 4 and 5, by general reference only, or not at all.

Sec. 68. Section 499B.15, subsections 3 and 4, Code 2015, are amended to read as follows:

3. Method of calling or summoning the co-owners to assemble; what percentage, if other than a majority of apartment owners, shall constitute a quorum; who is to preside over the meeting; and who will keep the minute book wherein the resolutions shall be recorded.

4. Maintenance, repair, and replacement of the common areas and facilities and payments therefor including the method of approving payment vouchers.

Sec. 69. Section 507B.5, subsection 1, paragraph c, Code 2015, is amended to read as follows:

c. Require directly or indirectly that any borrower, mortgagor, purchaser, insurer, broker, or agent pay a separate charge, in connection with the handling of any insurance policy required as security for a loan on real estate, or pay a separate charge to substitute the insurance policy of one insurer for that of another.

Sec. 70. Section 507C.4, subsection 5, Code 2015, is amended to read as follows:

5. All ~~action~~ actions authorized in this chapter shall be brought in the district court in Polk county.

Sec. 71. Section 508.38, subsection 1, Code 2015, is amended to read as follows:

1. This section does not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer ~~(including, including a partnership or sole proprietorship)~~ proprietorship, or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the United States Internal Revenue Code, as now or hereafter amended, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which is delivered outside this state through an agent

or other representative of the company issuing the contract.

Sec. 72. Section 509.4, Code 2015, is amended to read as follows:

509.4 Number insured.

An insurer may issue policies of individual life, accident, health, hospital, medical or surgical insurance or any combination thereof at reduced rates to employees of a common employer including the state, a county, school district, city or institution supported in whole or in part by public funds, but the number of employees to be insured must be more than one. The premium for such policies may be paid wholly or in part by the employer. If such policies shall provide term life insurance renewable only during the continuance of employment with the employer they shall also provide for conversion to a level premium life policy substantially in accordance with the provisions of ~~subsection 8~~ of section 509.2, subsection 8.

Sec. 73. Section 514.4, Code 2015, is amended to read as follows:

514.4 Directors.

1. a. At least two-thirds of the directors of a hospital service corporation, medical service corporation, dental service corporation, or pharmaceutical or optometric service corporation subject to this chapter shall be at all times subscribers and not more than one-third of the directors shall be providers as provided in this section. The board of directors of each corporation shall consist of at least nine members.

b. A subscriber director is a director of the board of a corporation who is a subscriber and who is not a provider of health care pursuant to section 514B.1, subsection 7, a person who has material financial or fiduciary interest in the delivery of health care services or a related industry, an employee of an institution which provides health care services, or a spouse or a member of the immediate family of such a person. However, a subscriber director of a dental service corporation may be an employee, officer, director, or trustee of a hospital that does not contract with the dental service corporation. A subscriber director of a hospital or medical service corporation shall be a subscriber of the services of that corporation.

c. A provider director of a corporation subject to this chapter shall be at all times a person who has a material financial interest in or is a fiduciary to or an employee

of or is a spouse or member of the immediate family of a provider having a contract with such corporation to render to its subscribers the services of such corporation or who is a hospital trustee.

2. A director may serve on a board of only one corporation at a time subject to this chapter.

3. The commissioner of insurance shall adopt rules pursuant to chapter 17A to implement the process of the election of subscriber directors of the board of directors of a corporation to ensure the representation of a broad spectrum of subscriber interest on each board and establish criteria for the selection of nominees. The rules shall provide for an independent subscriber nominating committee to serve until the composition of the board of directors meets the percentage requirements of this section. Once the composition requirements of this section are met, the nominations for subscriber directors shall be made by the subscriber directors of the board under procedures the board establishes which shall also permit nomination by a petition of at least fifty subscribers. The board shall also establish procedures to permit nomination of provider directors by petition of at least fifty participating providers. A member of the board of directors of a corporation subject to this chapter shall not serve on the independent subscriber nominating committee. The nominating committee shall consist of subscribers as defined in this section. The rules of the commissioner of insurance shall also permit nomination of subscriber directors by a petition of at least fifty subscribers, and nomination of provider directors by a petition of at least fifty participating providers. These petitions shall be considered only by the independent nominating committee during the duration of the committee. Following the discontinuance of the committee, the petition process shall be continued and the board of directors of the corporation shall consider the petitions. The independent subscriber nominating committee is not subject to chapter 17A. The nominating committee shall not receive per diem or expenses for the performance of their duties.

4. Population factors, representation of different geographic regions, and the demography of the service area of the corporation subject to this chapter shall be considered when making nominations for the board of directors of a corporation subject to this chapter.

5. A corporation serving states in addition to Iowa shall be

required to implement this section only for directors who are residents of Iowa and elected as board members from Iowa.

Sec. 74. Section 514G.105, subsection 10, paragraph c, Code 2015, is amended to read as follows:

c. The requirements of a policy summary set forth in paragraph "b" may be incorporated into the basic illustration required to be delivered in accordance with 191 IAC ch. 14, or into the life insurance policy summary required to be delivered in accordance with 191 IAC 15.4.

Sec. 75. Section 515.109, subsection 6, unnumbered paragraph 1, Code 2015, is amended to read as follows:

a. The form of the standard policy (with permission to substitute for the word "company" a more accurate descriptive term for the type of insurer) shall be as follows:

Sec. 76. Section 515.109, subsection 6, unnumbered paragraph 2, Code 2015, is amended to read as follows:

b. It is important that the written portions of all policies covering the same property read exactly alike. If they do not, they should be made uniform at once.

Sec. 77. Section 515A.4, subsection 5, Code 2015, is amended to read as follows:

5. Under such rules and regulations as the commissioner shall adopt the commissioner may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such order, rules and regulations shall be made known to insurers and rating organizations affected thereby. The commissioner may make such examination as the commissioner may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in ~~paragraph "b" of subsection 1 of section 515A.3,~~ subsection 1, paragraph "b".

Sec. 78. Section 515A.8, subsection 2, Code 2015, is amended to read as follows:

2. If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber, which is based on a system of expense provisions which differs, in accordance with the right granted in ~~paragraph "c" of subsection 1 of section 515A.3,~~ subsection 1, paragraph "c", from the system of expense provisions included in a filing made by the rating organization, the commissioner shall, if the commissioner grants the appeal, order the rating organization to make the requested filing for use by the

appellant. In deciding such appeal the commissioner shall apply the standards set forth in section 515A.3.

Sec. 79. Section 517.1, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Every corporation, association, company, or reciprocal exchange writing any of the several classes of insurance authorized by ~~paragraph "d" of subsection 5 of section 515.48,~~ subsection 5, paragraph "d", shall maintain reserves for outstanding losses under insurance against loss or damage from accident to or injuries suffered by an employee or other person and for which the insured is liable computed as follows:

Sec. 80. Section 522.6, subsection 5, paragraph b, Code 2015, is amended to read as follows:

b. Require that an insurer maintain a risk management framework, conduct an own risk and solvency assessment, and file an own risk and solvency assessment summary report if the insurer has a risk-based capital level that is a company-action-level event as set forth in section 521E.3 for insurers and section 521F.4 for health organizations or that would cause the insurer to be in hazardous financial condition as set forth in 191 IAC ch. 110, or if the insurer otherwise exhibits qualities of a troubled insurer as determined by the commissioner.

Sec. 81. Section 524.541, Code 2015, is amended to read as follows:

524.541 Lists — filing with superintendent.

1. Every state bank shall cause to be kept a full and correct list of the names and addresses of the officers, directors, and shareholders of the state bank, and the number of shares held by each. If an affiliate, as defined in ~~subsection 4 of section 524.1101,~~ subsection 4, is a shareholder in a state bank, such list shall include the names, addresses, and percentage of ownership or interest in the affiliate of the shareholders, members, or other individuals possessing a beneficial interest in said affiliate.

2. A copy of the list as of the date of the adjournment of each annual meeting of shareholders, in the form of an affidavit signed by the president or cashier of the state bank, shall be transmitted to the superintendent within ten days after such annual meeting.

Sec. 82. Section 524.1003, Code 2015, is amended to read as follows:

524.1003 Removal of fiduciary powers.

1. a. If the superintendent at any time concludes that a state bank authorized to act in a fiduciary capacity is managing its accounts in an unsafe or unsound manner, or in a manner in conflict with the provisions of this chapter, and such state bank refuses to correct such practices upon notice to do so, the superintendent may forthwith direct that the state bank cease to act as a fiduciary and proceed to resign its fiduciary positions.

b. In such event the superintendent shall cause to be filed a petition in the district court in which the state bank has its principal place of business setting forth in general terms that the state bank is acting as fiduciary with respect to certain property and that it is necessary and desirable that successor fiduciaries be appointed. Upon the filing of the petition the court shall enter an order requiring all persons interested in all such fiduciary accounts to designate and take all necessary measures to appoint a successor fiduciary within a time to be fixed by the order, or to show cause why a successor fiduciary should not be appointed by the court. The court shall also direct the state bank to mail a copy of the order to each living settlor and each person known by the state bank to have a beneficial interest in the fiduciary accounts with respect to which the state bank is fiduciary and with respect to which it is being asked to resign its position. Such notice shall be mailed to the last known address of each such settlor and person having a beneficial interest as shown by the records of the state bank. The court may also order publication of such order to the extent that it deems necessary to protect the interests of absent or remote beneficiaries.

2. In any fiduciary account where those interested therein fail to cause a successor fiduciary to be appointed prior to the time fixed in such order, the court shall appoint a successor fiduciary. A successor fiduciary appointed in accordance with the terms of this section shall succeed to all the rights, powers, titles, duties and responsibilities of the state bank, except that the successor fiduciary shall not exercise powers given in the instrument creating the powers that by its express terms are personal to the fiduciary therein designated and except claims or liabilities arising out of the management of the fiduciary account prior to the date of the transfer.

Sec. 83. Section 524.1601, subsections 1, 2, and 3, Code 2015, are amended to read as follows:

1. A director, officer, or employee of a state bank or bank holding company who willfully violates any of the provisions of ~~subsection 4~~ of section 524.612, subsection 4; section 524.613, ~~;~~ ~~subsection 2~~ of section 524.706, subsection 2, insofar as such subsection incorporates ~~subsection 4~~ of section 524.612, subsection 4; or section 524.710, shall be guilty of a serious misdemeanor, and, in the following circumstances, shall pay an additional fine or fines equal to:

a. The amount of money or the value of the property which the director, officer, or employee received for procuring, or attempting to procure, a loan, extension of credit, or investment by the state bank or bank holding company, upon conviction of a violation of ~~subsection 1~~ of section 524.613, subsection 1, or of ~~subsection 1~~ of section 524.710, subsection 1.

b. The amount by which the director's, officer's, or employee's deposit account in the state bank or bank holding company is overdrawn, upon conviction of a violation of ~~subsection 2~~ of section 524.613, subsection 2, or of ~~subsection 2~~ of section 524.710, subsection 2.

c. The amount of any profit which the director, officer, or employee receives on the transaction, upon conviction of a violation of ~~subsection 4~~ of section 524.612, subsection 4 or of ~~subsection 2~~ of section 524.706, subsection 2, insofar as each applies to purchases from and sales to a state bank or bank holding company upon terms more favorable to such director, officer, or employee than those offered to other persons.

d. The amount of profit, fees, or other compensation received, upon conviction of a violation of section 524.710, subsection 1, paragraph "b".

2. A director or officer who willfully makes or receives a loan in violation of ~~subsection 1~~ of section 524.612, subsection 1, or ~~subsection 1~~ of section 524.706, subsection 1, shall be guilty of a serious misdemeanor and shall be subject to an additional fine equal to that amount of the loan in excess of the limitation imposed by such subsections, and shall be forever disqualified from acting as a director or officer of any state bank or bank holding company. For the purpose of this subsection, amounts which are treated as obligations of an officer or director pursuant to ~~subsection 5~~ of section 524.612, subsection 5, shall be considered in determining whether the loan or extension of credit is in violation of

~~subsection 1~~ of section 524.612, subsection 1, and ~~subsection 1~~ of section 524.706, subsection 1.

3. A director, officer, or employee of a state bank or bank holding company who willfully makes or receives a loan or extension of credit of funds held by the state bank or bank holding company as fiduciary, in violation of ~~subsection 4~~ of section 524.1002, subsection 4, shall be guilty of a serious misdemeanor and shall be subject to a further fine equal to the amount of the loan or extension of credit made in violation of ~~subsection 4~~ of section 524.1002, subsection 4, and shall be forever disqualified from acting as a director, officer, or employee of any state bank or bank holding company.

Sec. 84. Section 535.10, subsection 3, paragraph a, Code 2015, is amended to read as follows:

a. A lender may collect in connection with establishing or renewing a home equity line of credit the costs listed in section 535.8, subsection 4, ~~paragraphs~~ paragraph "a" or "b", charges for insurance as described in section 537.2501, subsection 2, and a loan processing fee as agreed between the borrower and the lender, and annually may collect an account maintenance fee of not more than fifteen dollars. Fees collected under this subsection shall be disregarded for purposes of determining the maximum charge permitted by subsection 4.

Sec. 85. Section 544A.28, Code 2015, is amended to read as follows:

544A.28 Seal required.

1. An architect shall procure a seal with which to identify all technical submissions issued by the architect for use in this state. The seal shall be of a design, content, and size designated by the board.

2. a. Technical submissions prepared by an architect, or under an architect's direct supervision and responsible charge, shall be stamped with the impression of the architect's seal. The board shall designate by rule the location, frequency, and other requirements for use of the seal. An architect shall not impress the architect's seal on technical submissions if the architect was not the author of the technical submissions or if they were not prepared under the architect's direct supervision and responsible charge. An architect who merely reviews standardized construction documents for pre-engineered or prototype buildings, is not the author of the technical submissions and the technical submissions were not prepared

under a reviewing architect's responsible charge.

b. An architect shall cause those portions of technical submissions prepared by a professional consultant to be stamped with the impression of the seal of the professional consultant, with a clear identification of the consultant's areas of responsibility, signature, and date of issuance.

3. A public official charged with the enforcement of the state building code, as adopted pursuant to section 103A.7, or a municipal or county building code, shall not accept or approve any technical submissions involving the practice of architecture unless the technical submissions have been stamped with the architect's seal as required by this section or unless the applicant has certified on the technical submission to the applicability of a specific exception under section 544A.18 permitting the preparation of technical submissions by a person not registered under this chapter. A building permit issued with respect to technical submissions which do not conform to the requirements of this section is invalid.

Sec. 86. Section 547.1, Code 2015, is amended to read as follows:

547.1 Use of trade name — verified statement required.

A person shall not engage in or conduct a business under a trade name, or an assumed name of a character other than the true surname of each person owning or having an interest in the business, unless the person first records with the county recorder of the county in which the business is to be conducted a verified statement showing the name, post office address, and residence address of each person owning or having an interest in the business, and the address where the business is to be conducted. However, this provision does not apply to any person organized or incorporated in this state as a domestic entity or authorized to do business in this state as a foreign entity, if the person is a limited partnership under chapter 488; a limited liability company under chapter 489; a corporation under chapter 490; ~~a limited liability company under chapter 489~~; a professional corporation under chapter 496C; a cooperative or cooperative association under chapter 497, 498, 499, 501, or 501A; or a nonprofit corporation under chapter 504.

Sec. 87. Section 554.2311, subsection 1, Code 2015, is amended to read as follows:

1. An agreement for sale which is otherwise sufficiently definite ~~(subsection 3 of section 554.2204)~~ (section 554.2204,

subsection 3) to be a contract is not made invalid by the fact that it leaves particulars of performance to be specified by one of the parties. Any such specification must be made in good faith and within limits set by commercial reasonableness.

Sec. 88. Section 554.2323, subsection 2, paragraph a, Code 2015, is amended to read as follows:

a. due tender of a single part is acceptable within the provisions of this Article on cure of improper delivery ~~(subsection 1 of section 554.2508)~~ (section 554.2508, subsection 1); and

Sec. 89. Section 554.2503, subsection 5, paragraph a, Code 2015, is amended to read as follows:

a. the seller must tender all such documents in correct form except as provided in this Article with respect to bills of lading in a set ~~(subsection 2 of section 554.2323)~~ (section 554.2323, subsection 2); and

Sec. 90. Section 554.2505, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. a nonnegotiable bill of lading to the seller or the seller's nominee reserves possession of the goods as security, but except in a case of conditional delivery ~~(subsection 2 of section 554.2507)~~ (section 554.2507, subsection 2) a nonnegotiable bill of lading naming the buyer as consignee reserves no security interest even though the seller retains possession or control of the bill of lading.

Sec. 91. Section 554.2513, subsection 3, unnumbered paragraph 1, Code 2015, is amended to read as follows:

Unless otherwise agreed and subject to the provisions of this Article on C.I.F. contracts ~~(subsection 3 of section 554.2321)~~ (section 554.2321, subsection 3), the buyer is not entitled to inspect the goods before payment of the price when the contract provides

Sec. 92. Section 554.2602, subsection 2, paragraph b, Code 2015, is amended to read as follows:

b. if the buyer has before rejection taken physical possession of goods in which the buyer does not have a security interest under the provisions of this Article ~~(subsection 3 of section 554.2711)~~ (section 554.2711, subsection 3), the buyer is under a duty after rejection to hold them with reasonable care at the seller's disposition for a time sufficient to permit the seller to remove them; but

Sec. 93. Section 554.2603, subsection 1, Code 2015, is amended to read as follows:

1. Subject to any security interest in the buyer (~~subsection 3 of section 554.2711~~) (section 554.2711, subsection 3), when the seller has no agent or place of business at the market of rejection a merchant buyer is under a duty after rejection of goods in the merchant buyer's possession or control to follow any reasonable instructions received from the seller with respect to the goods and in the absence of such instructions to make reasonable efforts to sell them for the seller's account if they are perishable or threaten to decline in value speedily. Instructions are not reasonable if on demand indemnity for expenses is not forthcoming.

Sec. 94. Section 554.2606, subsection 1, paragraph b, Code 2015, is amended to read as follows:

b. fails to make an effective rejection (~~subsection 1 of section 554.2602~~) (section 554.2602, subsection 1), but such acceptance does not occur until the buyer has had a reasonable opportunity to inspect them; or

Sec. 95. Section 554.2607, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. if the claim is one for infringement or the like (~~subsection 3 of section 554.2312~~) (section 554.2312, subsection 3) and the buyer is sued as a result of such a breach the buyer must so notify the seller within a reasonable time after the buyer receives notice of the litigation or be barred from any remedy over for liability established by the litigation.

Sec. 96. Section 554.2607, subsection 5, paragraph b, Code 2015, is amended to read as follows:

b. if the claim is one for infringement or the like (~~subsection 3 of section 554.2312~~) (section 554.2312, subsection 3) the original seller may demand in writing that the seller's buyer turn over to the seller control of the litigation including settlement or else be barred from any remedy over and if the seller also agrees to bear all expense and to satisfy any adverse judgment, then unless the buyer after seasonable receipt of the demand does turn over control the buyer is so barred.

Sec. 97. Section 554.2607, subsection 6, Code 2015, is amended to read as follows:

6. The provisions of subsections 3, 4 and 5 apply to any obligation of a buyer to hold the seller harmless against infringement or the like (~~subsection 3 of section 554.2312~~) (section 554.2312, subsection 3).

Sec. 98. Section 554.2706, subsection 6, Code 2015, is amended to read as follows:

6. The seller is not accountable to the buyer for any profit made on any resale. A person in the position of a seller (section 554.2707) or a buyer who has rightfully rejected or justifiably revoked acceptance must account for any excess over the amount of that person's security interest, as hereinafter defined (~~subsection 3 of section 554.2711~~) (section 554.2711, subsection 3).

Sec. 99. Section 554.2714, subsection 1, Code 2015, is amended to read as follows:

1. Where the buyer has accepted goods and given notification (~~subsection 3 of section 554.2607~~) (section 554.2607, subsection 3) the buyer may recover as damages for any nonconformity of tender the loss resulting in the ordinary course of events from the seller's breach as determined in any manner which is reasonable.

Sec. 100. Section 554.3501, subsection 2, paragraph d, Code 2015, is amended to read as follows:

d. The party to whom presentment is made may treat presentment as occurring on the next business day after the day of presentment if the party to whom presentment is made has established a cut-off hour not earlier than ~~two~~ 2:00 p.m. for the receipt and processing of instruments presented for payment or acceptance and presentment is made after the cut-off hour.

Sec. 101. Section 554.10103, Code 2015, is amended to read as follows:

554.10103 General repealer.

Except as provided in section 554.7103, all ~~aets~~ Acts and parts of ~~aets~~ Acts inconsistent with this chapter are hereby repealed.

Sec. 102. Section 558.44, Code 2015, is amended to read as follows:

558.44 Mandatory recordation of conveyances and leases of agricultural land.

1. Every conveyance or lease of agricultural land, except leases not to exceed five years in duration with renewals, conveyances or leases made by operation of law, and distributions made from estates to heirs or devisees shall be recorded by the grantee or lessee with the county recorder not later than one hundred eighty days after the date of conveyance or lease.

2. For an instrument of conveyance of agricultural land

deposited with an escrow agent, the fact of deposit of that instrument of conveyance with the escrow agent as well as the name and address of the grantor and grantee shall be recorded, by a document executed by the escrow agent, with the county recorder not later than one hundred eighty days from the date of the deposit with the escrow agent. For an instrument of conveyance of agricultural land delivered by an escrow agent, that instrument shall be recorded with the county recorder not later than one hundred eighty days from the date of delivery of the instrument of conveyance by the escrow agent.

3. At the time of recordation of the conveyance or lease of agricultural land, except a lease not exceeding five years in duration with renewals, conveyances or leases made by operation of law and distributions made from estates of decedents to heirs or devisees, to a nonresident alien as grantee or lessee, such conveyance or lease shall disclose, in an affidavit to be recorded therewith as a precondition to recordation, the name, address, and citizenship of the nonresident alien. In addition, if the nonresident alien is a partnership, limited partnership, corporation or trust, the affidavit shall also disclose the names, addresses, and citizenship of the nonresident alien individuals who are the beneficial owners of such entities. However, any partnership, limited partnership, corporation, or trust which has a class of equity securities registered with the United States securities and exchange commission under section 12 of the Securities Exchange Act of 1934 as amended to January 1, 1978, need only state that fact on the affidavit.

4. Failure to record a conveyance or lease of agricultural land required to be recorded by this section by the grantee or lessee within the specified time limit is punishable by a fine not to exceed one hundred dollars per day for each day of violation. The county recorder shall record a conveyance or lease of agricultural land presented for recording even though not presented within one hundred eighty days after the date of conveyance or lease. The county recorder shall forward to the county attorney a copy of each such conveyance or lease of agricultural land recorded more than one hundred eighty days from the date of conveyance. The county attorney shall initiate action in the district court to enforce the provisions of this section. Failure to timely record shall not invalidate an otherwise valid conveyance or lease.

5. If a real estate contract or lease is required to be

recorded under this section, the requirement is satisfied by recording either the entire real estate contract or lease or a memorandum of the contract or lease containing at least the names and addresses of all parties named in the contract or lease, a description of all real property and interests therein subject to the contract or lease, the length of the contract or initial term of the lease, and in the case of a lease a statement as to whether any of the named parties have or are subject to renewal rights, and if so, the event or condition upon which renewal occurs, the number of renewal terms and the length of each, and in the case of a real estate contract a statement as to whether the seller is entitled to the remedy of forfeiture and as to the dates upon which payments are due. This ~~unnumbered paragraph~~ subsection is effective July 1, 1980, for all contracts and leases of agricultural land made on or after July 1, 1980.

6. The provisions of this section except as otherwise provided, are effective July 1, 1979, for all conveyances and leases of agricultural land made on or after July 1, 1979.

Sec. 103. Section 602.1206, subsection 2, Code 2015, is amended to read as follows:

2. Supreme court rules shall be published as provided in section ~~2B.5~~ 2B.5B.

Sec. 104. Section 602.4201, subsection 2, Code 2015, is amended to read as follows:

2. Rules of appellate procedure relating to appeals to and review by the supreme court, discretionary review by the courts of small claims actions, review by the supreme court by writ of certiorari to inferior courts, appeal to or review by the court of appeals of a matter transferred to that court by the supreme court, and further review by the supreme court of decisions of the court of appeals, shall be known as "Rules of Appellate Procedure", and shall be published as provided in section ~~2B.5~~ 2B.5B.

Sec. 105. Section 602.9115A, Code 2015, is amended to read as follows:

602.9115A Optional annuity for judge and survivor.

1. In lieu of the annuities and refunds provided for judges and judges' survivors under sections 602.9107, 602.9108, 602.9115, 602.9204, 602.9208, and 602.9209, judges may elect to receive an optional retirement annuity during the judge's lifetime and have the optional retirement annuity, or a designated fraction of the optional retirement annuity,

continued and paid to the judge's survivor after the judge's death and during the lifetime of the survivor.

2. The judge shall make the election request in writing to the state court administrator prior to retirement. The election is subject to the approval of the state court administrator. The judge may revoke the election prior to retirement by written request to the state court administrator, but cannot revoke the election after retirement.

3. The optional retirement annuity shall be the actuarial equivalent of the amounts of the annuities payable to judges and survivors under sections 602.9107, 602.9115, 602.9204, 602.9208, and 602.9209. The actuarial equivalent shall be based on the mortality and interest assumptions set out in section 602.9107, subsection 3.

4. a. If the judge dies without a survivor, prior to retirement or prior to receipt in annuities of an amount equal to the total amount remaining to the judge's credit at the time of separation from service, the election is null and void and the refunding provisions of section 602.9108 apply.

b. If the judge dies with a survivor prior to retirement, the election remains valid and the survivor is entitled to receive the annuity beginning at the death of the judge.

c. If the judge dies with a survivor and the survivor subsequently dies prior to receipt in annuities by both the judge and the survivor of an amount equal to the total amount remaining to the judge's credit at the time of separation from service, the election remains valid and the refunding provision of section 602.9115 applies.

Sec. 106. Section 626.80, Code 2015, is amended to read as follows:

626.80 Time and manner.

1. The sale must be at public auction, between ~~nine o'clock in the forenoon~~ 9:00 a.m. and ~~four o'clock in the afternoon~~ 4:00 p.m., and the hour of the commencement of the sale must be fixed in the notice.

2. The sheriff shall receive and give a receipt for a sealed written bid submitted prior to the public auction. The sheriff may require all sealed written bids to be accompanied by payment of any fees required to be paid at the public auction by the purchaser, to be returned if the person submitting the sealed written bid is not the purchaser. The sheriff shall keep all written bids sealed until the commencement of the public auction, at which time the sheriff shall open and

announce the written bids as though made in person. A party who has appeared in the foreclosure may submit a written bid, which shall include a facsimile number or electronic mail address where the party can be notified of the results of the sale. If a party submitting a winning written bid does not pay the amount of the bid in certified funds in the manner in which the sheriff in the notice directs, such bid shall be deemed canceled and the sheriff shall certify the next highest bidder as the successful bidder of the sale either within twenty-four hours for an electronic funds transfer or forty-eight hours otherwise, of notification of the sale results. A sheriff may refuse to accept written bids from a bidder other than the judgment creditor if the bidder or the bidder's agent in the action has demonstrated a pattern of nonpayment on previously accepted bids.

Sec. 107. Section 626.84, Code 2015, is amended to read as follows:

626.84 Plan of division of land.

At any time before ~~nine o'clock~~ 9:00 a.m. of the day of the sale, the debtor may deliver to the officer a plan of division of the land levied on, subscribed by the debtor, and in that case the officer shall sell, according to said plan, so much of the land as may be necessary to satisfy the debt and costs, and no more. If no such plan is furnished, the officer may sell without any division.

Sec. 108. Section 633.517, subsection 1, Code 2015, is amended to read as follows:

1. A written finding of presumed death, made by the secretary of defense, or other officer or employee of the United States authorized to make such finding, pursuant to the federal Missing Persons Act, 56 Stat. 143, 1092, and ~~P.L.~~ Pub. L. No. 408, Ch. 371, 2d Session 78th Congress codified at 10 U.S.C. §1501 et seq., as now or hereafter amended, or a duly certified copy of such a finding, shall be received in any court, office, or other place in this state, as evidence of the death of the person therein found to be dead, and of the date, circumstances, and place of the disappearance.

Sec. 109. Section 633B.204, subsection 3, Code 2015, is amended to read as follows:

3. Pledge or mortgage an interest in real property or a right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal.

Sec. 110. Section 633B.210, subsection 1, Code 2015, is amended to read as follows:

1. Continue, pay the premium or make a contribution on, or modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal which insures or provides an annuity to either the principal or another person whether or not the principal is a beneficiary under the contract.

Sec. 111. Section 633B.302, Code 2015, is amended to read as follows:

633B.302 Agent's certification — optional form.

The following optional form may be used by an agent to certify facts concerning a power of attorney:

IOWA STATUTORY POWER OF ATTORNEY AGENT'S CERTIFICATION FORM
AGENT'S CERTIFICATION OF VALIDITY OF POWER OF ATTORNEY AND
AGENT'S AUTHORITY

State of _____

County of _____

I, _____ (name of agent), certify under penalty of perjury that _____ (name of principal) granted me authority as an agent or successor agent in a power of attorney dated _____.

I further certify all of the following to my knowledge:

The principal is alive and has not revoked the power of attorney or the ~~Power~~ power of ~~Attorney~~ attorney and my authority to act under the ~~Power~~ power of ~~Attorney~~ attorney have not terminated.

If the power of attorney was drafted to become effective upon the happening of an event or contingency, the event or contingency has occurred.

If I was named as a successor agent, the prior agent is no longer able or willing to serve.

_____.

(Insert other relevant statements)
SIGNATURE AND ACKNOWLEDGMENT

Agent's Signature

Date

Agent's Name Printed

Agent's Address

Agent's Telephone Number

This document was acknowledged before me on _____
(date), by _____ (name of agent)

(Seal, if any)

Signature of Notary
My commission expires _____
This document prepared by _____

Sec. 112. Section 673.3, Code 2015, is amended to read as follows:

673.3 Notice required.

1. A domesticated animal professional shall post and maintain a sign on real property in which the professional holds an interest, if the professional conducts domesticated animal activities on the property. The location of the sign may be near or on a stable, corral, or arena owned or controlled by the domesticated animal professional. The sign must be clearly visible to a participant. This section does not require a sign to be posted on a domesticated animal or a vehicle powered by a domesticated animal. The notice shall appear in black letters a minimum of one inch high and in the following form:

WARNING

Under Iowa law, a domesticated animal professional is not liable for damages suffered by, an injury to, or the death of a participant resulting from the inherent risks of domesticated animal activities, pursuant to Iowa Code chapter 673. You are assuming inherent risks of participating in this domesticated animal activity.

2. If a written contract is executed between a domesticated animal professional and a participant involving domesticated animal activities, the contract shall contain the same notice in clearly readable print. In addition, the contract shall include the following disclaimer:

A number of inherent risks are associated with a domesticated animal activity. A domesticated animal may behave in a manner that results in damages to property or an injury or death to a person. Risks associated with the activity may include injuries caused by bucking, biting, stumbling, rearing,

trampling, scratching, pecking, falling, or butting.

The domesticated animal may react unpredictably to conditions, including, but not limited to, a sudden movement, loud noise, an unfamiliar environment, or the introduction of unfamiliar persons, animals, or objects.

The domesticated animal may also react in a dangerous manner when a condition or treatment is considered hazardous to the welfare of the animal; a collision occurs with an object or animal; or a participant fails to exercise reasonable care, take adequate precautions, or use adequate control when engaging in a domesticated animal activity, including failing to maintain reasonable control of the animal or failing to act in a manner consistent with the person's abilities.

Sec. 113. Section 714.16, subsection 5, paragraph c, Code 2015, is amended to read as follows:

c. As to any person other than a natural person, in the manner provided in the ~~Rules~~ rules of ~~Civil Procedure~~ civil procedure as if a petition had been filed; or

DIVISION II

CODE EDITOR DIRECTIVES

Sec. 114. CODE EDITOR DIRECTIVES.

1. Sections 159.23 and 669.12, Code 2015, are amended by striking the words "director of management" and inserting in lieu thereof the words "director of the department of management".

2. Sections 8.6, subsection 6; 12.26, subsections 2 and 3; 88.2, subsection 5; 99G.39, subsection 2; 234.6, subsection 3; 456A.19, subsection 2; 602.1301, subsection 2, paragraph "a", unnumbered paragraph 1; and 602.1301, subsection 2, paragraph "b", Code 2015, are amended by striking the words "director of management" and inserting in lieu thereof the words "director of the department of management".

3. Sections 147A.1, subsection 9; and 147A.17, subsection 1, Code 2015, are amended by striking the words "north central association of colleges and schools" and inserting in lieu thereof the words "higher learning commission".

4. Sections 28J.27 and 321H.1, Code 2015, are amended by striking the words "director of the state department of transportation" and inserting in lieu thereof the words "director of transportation".

5. Sections 225B.4, subsection 1, paragraph "e"; 321.1, subsection 20; and 602.8102, subsection 53, Code 2015, are amended by striking the words "director of the state department

of transportation" and inserting in lieu thereof the words "director of transportation".

6. Sections 6B.2A, subsection 4; 423B.1, subsection 6, paragraph "b"; 423B.3, unnumbered paragraph 2; 423B.4, subsection 2; and 466B.3, subsection 4, paragraph "h", Code 2015, are amended by striking the words "director of the department of transportation" and inserting in lieu thereof the words "director of transportation".

7. Section 148C.8, Code 2015, is amended by striking the words "physician's assistant" and inserting in lieu thereof the words "physician assistant".

8. Sections 280.16, subsection 1, paragraph "b"; 321.375, subsection 1, paragraph "d"; 321.376, subsection 1; and 321L.2A, subsection 1, paragraph "e", Code 2015, are amended by striking the words "physician's assistant" and inserting in lieu thereof the words "physician assistant".

9. The Code editor is directed to number unnumbered paragraphs within sections 299.5A, 425.2, 425.3, 426A.13, 426A.14, 453B.10, 453B.12, 499.27, 524.607, 543B.16, 602.9115, and 669.4, Code 2015, in accordance with established Code section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

KRAIG PAULSEN
Speaker of the House

PAM JOCHUM
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 535, Eighty-sixth General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2015

TERRY E. BRANSTAD
Governor